

REMARKS

Claims 23-28 and 35 have been canceled and Applicants have added new claims 36-48 in the above-identified application. In the non-final Office Action dated December 31, 2007, the Examiner made the following disposition:

- A.) Rejected claims 23-25 and 35 under 35 U.S.C. §103(a) as being unpatentable over *Isoyama, et al.*
- B.) Rejected claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over *Isoyama, et al.* in view of *Miyasaka*.

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

- A.) Rejection of claims 23-25 and 35 under 35 U.S.C. §103(a) as being unpatentable over *Isoyama, et al.*:

Applicants respectfully traverse the rejection.

The Examiner asserts that *Isoyama* teaches press molding the mixture in a method of making a positive electrode active material (Col. 12, lines 5-10). But the press molded mixture is the mixture of active material and a conductive agent. This type of mixture is referred to as a "positive electrode composite agent" in Applicant's specification. In Applicant's claimed invention, the molded mixture comprises "ingredients" including a lithium composite manganese oxide, not merely a positive electrode composite agent or a lithium composite manganese oxide itself.

While the processes in *Isoyama* and Applicant's claimed invention differ in terms of the sequence of the mixing/molding/sintering steps, these processes further differ in terms of the ***actual composition*** to be press molded, as pointed out above,

Furthermore, *Isoyama* discloses that the selection of sintering conditions can minimize crystal defects and grain boundaries in individual acicular powder particles (Col. 7, lines 63-67), but *Isoyama* fails to teach the controlling of specific surface area of the aggregate, or the compatibility of a certain range of specific surface area of the aggregate and primary particle

diameter. *Isoyama* does not even teach the cathode active material in the form of aggregation of primary particles.

The formation of the aggregation of the lithium composite oxide is proprietary for the lithium composite oxide of Applicant's claimed invention. More particularly, the formation of this aggregate is necessary in order to avoid dissolution of manganese and to obtain high reactivity of charge and discharge.

Considering the above points as well as Applicant's previous arguments, *Isoyama* fails to teach or suggest Applicant's invention as recited in claims 36-48.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over *Isoyama, et al.* in view of *Miyasaka*:

Applicants respectfully traverse the rejection.

The limitations in new claims 37 and 42 are substantially analogous to the limitations in canceled claims 26 and 28, respectively. Independent claims 36 and 40, from which claims 37 and 42 depend, are allowable over *Isoyama* as discussed above. *Miyasaka* fails to overcome the deficiencies of *Isoyama*.

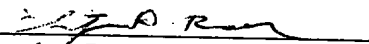
Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

Conclusion

As Applicants believe the application is in condition for allowance, a favorable action and a Notice of Allowance are respectfully requested.

Respectfully submitted,

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